

MONDAY, APRIL 4, 2011

TWENTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 4:30 p.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Joseph Reed of East Nashville Point of Mercy in Nashville, Tennessee, a guest of Senator Harper.

PLEDGE OF ALLEGIANCE

Senator Harper led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

COMMUNICATIONS

March 9, 2011

The Honorable Ron Ramsey
1 Legislative Plaza
Nashville, TN 37243

Dear Lt. Governor Ramsey:

I have been selected as one of fifteen people across the country to go to Berlin, Germany; departing on April 2 and returning on April 8, on behalf of the American Council on Germany.

I am officially requesting to be absent for the period April 2-8. This group will be studying the immigration issues and how they affect voting rights throughout the country of Germany.

Respectfully,

/s/ Bill Ketron
State Senator and Deputy Speaker

APPROVED: Lieutenant Governor
Ron Ramsey

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April 4, 2011

The Honorable Ron Ramsey
Speaker of the Senate
One Legislative Plaza
Nashville, Tennessee 37243

Dear Speaker Ramsey:

This is to request your excuse for my absence from Session today, April 4, 2011. Due to personal obligations, I will be unable to attend.

I appreciate your consideration of this request.

Sincerely,

/s/ Jim Kyle

APPROVED: Lieutenant Governor
Ron Ramsey

PRESENTATION

Senator Bell introduced Ms. Kristen Wrector and Ms. Abby Chamniss of Prevent Child Abuse Tennessee to the Senate.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 376, 513, 584, 1240, 1778 and 1889** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 376 -- Election Laws -- As introduced, changes the timing and manner in which members of the County Election Commission are required to inspect new voter registration forms. Amends TCA Section 2-2-120.

House Bill No. 513 -- Sullivan County -- As introduced, subject to local approval, repeals requirement that satellite offices for the register of deeds be maintained outside the county seat. Repeals Chapter 242 of the Acts of 1899; and any other acts amendatory thereto.

House Bill No. 584 -- Watershed Development -- As introduced, authorizes the Beech River watershed development authority to create the position of board member emeritus and establishes the qualifications for such position. Amends TCA Title 64, Chapter 1.

House Bill No. 1240 -- Pest Control -- As introduced, revises the manner in which a person applying pesticides may be supervised. Amends TCA Section 62-21-102.

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House Bill No. 1778 -- Probation and Parole -- As introduced, clarifies that misdemeanor probation services may also be provided by a public company other than a municipality or county. Amends TCA Section 40-35-302.

House Bill No. 1889 -- Criminal Offenses -- As introduced, creates Class A misdemeanor offenses for the production, manufacture, distribution or possession of additional synthetic cannabinoids. Amends TCA Title 39, Chapter 17.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 2099 through 2101** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 2099 Local bill -- held on desk.

Senate Bill No. 2100 Local bill -- held on desk.

Senate Bill No. 2101 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 168 through 173**; and **Senate Resolution No. 26** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 168 by Senator Tate.
Memorials, Professional Achievement -- Al Bell, 2011 Grammy Trustee Award.

Senate Joint Resolution No. 169 by Mr. Speaker Ramsey.
Naming and Designating -- "Drive to End Hunger Month", September 2011.

Senate Joint Resolution No. 170 by Senator Herron.
Memorials, Death -- Mickey Ronald Carpenter.

Senate Joint Resolution No. 171 by Senator Herron.
Memorials, Death -- Mike Barnett.

Senate Joint Resolution No. 172 by Senator Herron.
Memorials, Death -- Billy F. Featherstone.

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Senate Joint Resolution No. 173 by Senator Herron.
Memorials, Death -- Mickey Moore.

Senate Resolution No. 26 by Senators McNally and Henry.
General Assembly, Statement of Intent or Position -- Expresses sense of the Senate relative to federal funding for the user program at Holifield Radioactive Ion Facility at the Oak Ridge National Laboratory.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 184, 186 and 190**; and **Senate Joint Resolutions Nos. 158 through 167** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 184 -- Memorials, Professional Achievement -- Diane Stacy, a 2011 Hamilton County Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 184 to the Committee on Calendar.

House Joint Resolution No. 186 -- Memorials, Recognition -- Guaranty Trust Company, 25th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 186 to the Committee on Calendar.

House Joint Resolution No. 190 -- Memorials, Recognition -- Honors all female members who ever served in general assembly in recognition of Women's History Month.

The Speaker announced that he had referred House Joint Resolution No. 190 to the Committee on Calendar.

Senate Joint Resolution No. 158 -- Memorials, Recognition -- Johnson City Senior Center, 50th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 158 to the Committee on Calendar.

Senate Joint Resolution No. 159 -- Memorials, Death -- John Lawrence Connelly.

The Speaker announced that he had referred Senate Joint Resolution No. 159 to the Committee on Calendar.

Senate Joint Resolution No. 160 -- Memorials, Recognition -- IBM, 100th anniversary.

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The Speaker announced that he had referred Senate Joint Resolution No. 160 to the Committee on Calendar.

Senate Joint Resolution No. 161 -- Memorials, Recognition -- Carl Jones, Super Senior Award.

The Speaker announced that he had referred Senate Joint Resolution No. 161 to the Committee on Calendar.

Senate Joint Resolution No. 162 -- Memorials, Recognition -- Willie Bales, Super Senior Award.

The Speaker announced that he had referred Senate Joint Resolution No. 162 to the Committee on Calendar.

Senate Joint Resolution No. 163 -- Memorials, Recognition -- Fay Griffin, Super Senior Award.

The Speaker announced that he had referred Senate Joint Resolution No. 163 to the Committee on Calendar.

Senate Joint Resolution No. 164 -- Memorials, Recognition -- Clara Makin, Super Senior Award.

The Speaker announced that he had referred Senate Joint Resolution No. 164 to the Committee on Calendar.

Senate Joint Resolution No. 165 -- Naming and Designating -- "Listening Awareness Month", March 2011.

The Speaker announced that he had referred Senate Joint Resolution No. 165 to the Committee on General Welfare, Health and Human Resources.

Senate Joint Resolution No. 166 -- Memorials, Recognition -- Margaret Patterson, recipient of the Morgan County News Super Senior Award.

The Speaker announced that he had referred Senate Joint Resolution No. 166 to the Committee on Calendar.

Senate Joint Resolution No. 167 -- Memorials, Death -- Janice Keck.

The Speaker announced that he had referred Senate Joint Resolution No. 167 to the Committee on Calendar.

NOTICE

**COMMITTEE ON CALENDAR'S REPORT
ON QUALIFIED ANNUAL EVENTS THIRD REPORT**

Pursuant to Rule 76(1), the report was received and filed with the Clerk.

MOTION

Senator Roberts moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Resolution No. 27**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Resolution No. 27 by Senator Roberts.

Memorials, Professional Achievement -- Bath Fitter Tennessee, Inc., Governor's Award of Excellence for Workplace Safety.

On motion of Senator Roberts, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 27** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Roberts moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 175**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 175 by Senator Roberts.

Memorials, Professional Achievement -- Ronnie Carter, inducted into the TSSAA Hall of Fame.

On motion of Senator Roberts, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 175** was adopted.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 149 -- Memorials, Death -- Max Crotser.

Senate Joint Resolution No. 150 -- Memorials, Recognition -- Putnam County 4-H wildlife judging team.

Senate Joint Resolution No. 151 -- Memorials, Recognition -- Kaylee Radzynski, Mary Desha Medal for Youth.

Senate Joint Resolution No. 152 -- Memorials, Sports -- Tennessee Tech womens' basketball team, OVC Tournament Champions.

Senate Joint Resolution No. 153 -- Memorials, Professional Achievement -- Tom Little, recipient of the Mended Heart of the Year award.

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Senate Joint Resolution No. 154 -- Memorials, Recognition -- WCTE-TV Upper Cumberland Public Television.

Senate Joint Resolution No. 155 -- Memorials, Public Service -- Bobby and Jean Davis.

Senate Joint Resolution No. 156 -- Memorials, Recognition -- Tennessee Tech business students, winners of TVA's Investment Challenge.

Senate Joint Resolution No. 157 -- Memorials, Retirement -- Bill Hance.

House Joint Resolution No. 173 -- Memorials, Sports -- McMinn Central High School girls' basketball team, Division I Class AA State Champions.

House Joint Resolution No. 174 -- Memorials, Sports -- Coach Johnny Morgan, McMinn Central High School.

House Joint Resolution No. 175 -- Memorials, Sports -- James Tellis Scales III, Cherokee High School, IMAC Player of the Year.

House Joint Resolution No. 176 -- Memorials, Sports -- Casey Ryans, Cherokee High School, 2011 IMAC Player of the Year.

House Joint Resolution No. 178 -- Memorials, Public Service -- Robert Eugene "Gene" Ferguson, Westmoreland Citizen of the Year.

House Joint Resolution No. 180 -- Memorials, Retirement -- Philip Condra.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Thursday, April 7, 2011, pursuant to Rule 38: **Senate Bill No. 1223**.

Senate Bill No. 682 -- Law Enforcement -- As introduced, clarifies that money deposited in the police pay supplement fund can only be used for the payment of police pay supplements and such other payments as may be authorized by the police pay supplement statute. Amends TCA Title 9, Chapter 4, Part 2 and Title 38, Chapter 8, Part 1.

On motion, Senate Bill No. 682 was made to conform with **House Bill No. 754**.

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On motion, House Bill No. 754, on same subject, was substituted for Senate Bill No. 682.

Senate Bill No. 799 -- Insurance, Health, Accident -- As introduced, allows dental service plans to make payments to dentists electronically if the dental service plan also receives claims from dentists electronically. Amends TCA Title 56, Chapter 30.

Senator Ford declared Rule 13 on **Senate Bill No. 799**.

Senate Bill No. 892 -- Charitable Institutions -- As introduced, revises various provisions of the "Charitable Gift Annuities Exemption Act". Amends TCA Title 56, Chapter 52.

Senate Bill No. 1668 -- Codes -- As introduced, reduces from three to one the number of copies of building and utility codes adopted by reference that must be maintained by county clerk for public use. Amends TCA Section 5-20-102.

Senate Bill No. 1679 -- Criminal Offenses -- As introduced, creates the Class A misdemeanor offense of sexual contact by an authority figure which is defined as an adult with supervisory or disciplinary power over a minor, unlawfully kissing the minor for the purpose of sexual arousal or gratification. Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 39.

On motion, Senate Bill No. 1679 was made to conform with **House Bill No. 1577**.

On motion, House Bill No. 1577, on same subject, was substituted for Senate Bill No. 1679.

Senate Resolution No. 11 -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Evidence promulgated by the Supreme Court of Tennessee.

Senate Resolution No. 12 -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Civil Procedure promulgated by the Supreme Court of Tennessee.

Senate Resolution No. 13 -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Appellate Procedure promulgated by the Supreme Court of Tennessee.

Senate Resolution No. 14 -- General Assembly, Review or Ratification of Rules -- Approves the amendments and revisions to the Tennessee Rules of Criminal Procedure promulgated by the Supreme Court of Tennessee.

Senator Faulk moved that all Senate Resolutions be adopted; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 806 -- Sullivan County -- As introduced, subject to local approval, repeals requirement that satellite offices for the register of deeds be maintained outside the county seat. Repeals Chapter 242 of the Acts of 1899; and any other acts amendatory thereto.

On motion, Senate Bill No. 806 was made to conform with **House Bill No. 513**.

On motion, House Bill No. 513, on same subject, was substituted for Senate Bill No. 806.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 127 -- Constitutional Amendments -- Proposes new provision to Article I to provide that nothing in the Constitution of Tennessee secures or protects right to abortion or requires the funding of an abortion; states that the people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother.

Senator Beavers moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 127** had been read.

Senator Tracy moved that **Senate Bill No. 45** be placed on the Calendar for Monday, April 18, 2011, which motion prevailed.

Senate Bill No. 509 -- Orders of Protection -- As introduced, allows the court to assess all court costs, filing fees, litigation taxes and attorneys' fees against a petitioner seeking an order of protection if the court conducts a hearing separate from the hearing on the petition and determines that the petitioner is not a domestic abuse, stalking or sexual assault victim, the refusal to issue or extend an order was based on such fact, and the petition was filed frivolously. Amends TCA Title 36, Chapter 3, Part 6.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-3-617, is amended by deleting subsection (a) and substituting instead the following:

(a)(1) Notwithstanding any other law to the contrary, no domestic abuse victim, stalking victim or sexual assault victim shall be required to bear the costs, including any court costs, filing fees, litigation taxes or any other costs associated with the filing, issuance, registration, service, dismissal or nonsuit, appeal or enforcement of an ex parte order of protection, order of protection, or a petition for either such order, whether issued inside or outside the state. If the court, after the hearing on the petition, issues or extends an order of protection, all court costs, filing fees, litigation taxes and attorney fees shall be assessed against the respondent.

(2) If the court does not issue or extend an order of protection, the court may assess all court costs, filing fees, litigation taxes and attorney fees against the petitioner if the court conducts a hearing separate from the hearing on the petition. If the petitioner is present at the first hearing, the second hearing on costs may be held immediately following the first hearing. If the petitioner is not present, the petitioner shall be summoned and the second hearing conducted at a later date to be determined by court. In order to assess costs against the petitioner, the court must find by a preponderance of evidence that:

(A) The petitioner is not a domestic abuse victim, stalking victim or sexual assault victim;

(B) The refusal to issue or extend an order is based solely on the finding that the petitioner is not a domestic abuse victim, stalking victim or sexual assault victim and not because the petitioner requested the petition be dismissed, failed to attend the hearing or incorrectly or inartfully filled out the petition; and

(C) The petition was filed frivolously.

(3) For purposes of this subsection (a), "filed frivolously" means:

(A) The facts contained in the petition are clearly false; or

(B) The petitioner filed the petition in bad faith; and

(C) The petition was filed for the sole purpose of harassing the respondent. However, the fact that the respondent is inconvenienced, annoyed, disturbed or upset by the filing of the petition is not, of itself, sufficient to constitute harassment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 509**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 610 -- Traffic Safety -- As introduced, adds motor vehicles transporting organs for human transplantation to current list of those authorized as emergency vehicles to display flashing red, white, or red and white lights. Amends TCA Title 55, Chapter 9, Part 4.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-9-402(d), is amended by adding the following language to precede the present language in subdivision (1):

No vehicle operated in this state shall be equipped with any flashing white or amber lights or any combination of white and amber lights that display to the front of the vehicle except a passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization when transporting an organ for human transplantation.

SECTION 2. Tennessee Code Annotated, Section 55-9-402(d), is further amended in subdivision (3) by deleting the language "Any vehicle" in its entirety and by substituting instead the following language:

Any vehicle other than a passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization when transporting an organ for human transplantation, authorized by this section to display flashing white or amber lights or white and amber lights, or any vehicle.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 610**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 835 -- Special License Plates -- As introduced, authorizes issuance of Tennessee Fraternal Order of Police new specialty earmarked license plates to members and associate members of organization without 1,000 plate minimum and allocates 50 percent of revenues derived from sale thereof to organization's charitable foundation; deletes authorization for National Fraternal Order of Police new specialty earmarked license plates. Amends TCA Title 55, Chapter 4.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Tennessee Fraternal Order of Police; and

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) An owner or lessee of a motor vehicle who is a resident of this state and who is certified as a member or associate member of the Tennessee Fraternal Order of Police, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a registration plate for a motor vehicle authorized by § 55-4-210(c).

(b)(1) The application for such registration plates shall be accompanied by a statement from the Tennessee Fraternal Order of Police certifying the applicant to be a member or associate member of the organization.

(2) Only members and associate members of the Tennessee Fraternal Order of Police or their spouses shall be permitted to receive the registration plates.

(c) The registration plates provided for in this section shall be of the same design as the Fraternal Order of Police plates authorized and issued prior to July 1, 2011, and shall bear the inscription "FRATERNAL ORDER OF POLICE" or "FOP" and an appropriate standardized insignia of the organization. For applicants who are

associate members of the Tennessee Fraternal Order of Police, the Fraternal Order of Police plates, the strip along the bottom of the license plate shall also bear the language "ASSOCIATE MEMBER".

(d)(1) Within thirty (30) days of terminating membership or associate membership in the Tennessee Fraternal Order of Police, an applicant to whom a registration plate has been issued pursuant to this section shall surrender the plate to the county clerk of the county of the applicant's residence.

(2) The Tennessee Fraternal Order of Police shall provide biannually to the department the names and addresses of any persons who have terminated their membership or associate membership in the Tennessee Fraternal Order of Police, together with any other identifying information as the commissioner may require.

(e) The commissioner is authorized and shall issue a registration plate to an owner or lessee of a motorcycle who is otherwise eligible for a Tennessee Fraternal Order of Police plate; provided, however, that the owner or lessee shall comply with the state motor vehicle laws relating to registration and licensing of motorcycles and shall pay the regular fee applicable to motorcycles and the applicable fee specified in § 55-4-203 prior to the issuance of the plate.

(f) Funds produced from the sale of Tennessee Fraternal Order of Police new specialty earmarked license plates shall be allocated to the Tennessee Fraternal Order of Police Charitable Foundation in accordance with § 55-4-215.

(g) Notwithstanding any law to the contrary, any person issued a Fraternal Order of Police cultural license plate authorized and issued prior to July 1, 2009, or a National Fraternal Order of Police new specialty earmarked license plate authorized and issued prior to July 1, 2011, shall be entitled to retain the license plate for vehicular use upon compliance with all motor vehicle laws relating to registration and licensing of motor vehicles and payment of all required fees. Both plates shall be considered Tennessee Fraternal Order of Police new specialty earmarked plates upon their first renewal on or after July 1, 2011, upon the applicant's designation.

(h) For the purposes of § 55-4-201(h)(1), all license plates authorized or issued pursuant to subsections (a), (e) and (g) shall be jointly included in any determinations for initial issuance and continuation of issuance. If Tennessee Fraternal Order of Police new specialty earmarked plates are subsequently deemed obsolete pursuant to § 55-4-201(h)(1), such determination shall also apply to all FOP cultural plates issued prior to July 1, 2009, and all National Fraternal Order of Police new specialty earmarked plates issued prior to July 1, 2011.

SECTION 3. Tennessee Code Annotated, Section 55-4-202(c)(7)(SS), is amended by deleting such subdivision in its entirety.

SECTION 4. Tennessee Code Annotated, Section 55-4-245, is amended by deleting such section in its entirety.

SECTION 5. This act shall take effect July 1, 2011, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 835**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator present and not voting was: Woodson--1.

A motion to reconsider was tabled.

Senate Bill No. 1172 -- Divorce, Annulment and Alimony -- As introduced, clarifies various provisions relating to divorce and custody proceedings. Amends TCA Title 29 and Title 36.

Senator Norris declared Rule 13 on **Senate Bill No. 1172**.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 and Section 3 of the printed bill in their entirety and by substituting the following language:

SECTION 2. Tennessee Code Annotated, Section 36-5-101(a), is amended by adding a new subdivision (9) thereto:

(9) Where the lump sum amount of retirement or pension benefits or of balances in an individual retirement account, §§ 401(k), 403(b), 457, compiled in 26 U.S.C. §§ 401(k), 403(b) and 457, respectively, or any other tax qualified account has been considered by the trial court, and determined to be marital property to be divided, the distributions of such lump sum amounts necessary to complete the division of property, whether distributed in a single payment or by periodic payments, shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive alimony or child support, but the income generated by the investment of such lump sum awards shall be considered income for such purpose.

SECTION 3. Tennessee Code Annotated, Section 36-5-121, is amended by inserting the following new subsection and re-designating subsequent subsections accordingly:

(j) Where the lump sum amount of retirement or pension benefits or of balances in an individual retirement account, §§ 401(k), 403(b), 457, compiled in 26 U.S.C. §§ 401(k), 403(b) and 457, respectively, or any other tax qualified account has been considered by the trial court, and determined to be marital property to be

divided, the distributions of such lump sum amounts necessary to complete the division of property, whether distributed in a single payment or by periodic payments, shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive alimony or child support, but the income generated by the investment of such lump sum awards shall be considered income for such purpose.

On motion, Amendment No. 1 was adopted.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the amendatory language in Section 1 of the bill and substituting the following language:

(B) For purposes of subdivision (c)(5), dissipation of assets means wasteful expenditures which reduce the marital property available for equitable distributions and which are made for a purpose contrary to the marriage either before or after a complaint for divorce or legal separation has been filed.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1172**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 1210 -- Pest Control -- As introduced, revises the manner in which a person applying pesticides may be supervised. Amends TCA Section 62-21-102.

On motion, Senate Bill No. 1210 was made to conform with **House Bill No. 1240**.

On motion, House Bill No. 1240, on same subject, was substituted for Senate Bill No. 1210.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1240** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Overbey moved that **Senate Bill No. 1451** be placed on the Calendar for Thursday, April 7, 2011, which motion prevailed.

Senate Bill No. 1500 -- Safety -- As introduced, increases from six feet to ten feet the allowable minimum clearance distance required to be maintained from high-voltage lines. Amends TCA Title 68, Chapter 103.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-103-101(3), is amended by deleting the language "or the division of engineering and safety".

SECTION 2. Tennessee Code Annotated, Section 68-103-102, is amended by deleting the language "high-voltage lines" wherever it may appear and substituting instead the language "high-voltage overhead lines".

SECTION 3. Tennessee Code Annotated, Section 68-103-103(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) The operation, erection or transportation of any tools, machinery, or equipment, or any part of any tools, machinery, or equipment, capable of vertical, lateral or swinging motion, the handling, transportation or storage of any supplies, materials or apparatus, or the moving of any house or other building, or any part of any house or building, under, over, by or near high-voltage overhead lines, is expressly prohibited, if at any time during such operation, transportation or other manipulation it is possible to bring the equipment, tools, materials, building, or any part of the equipment, tools, materials or building, within ten feet (10') of the high-voltage overhead lines, or the distance required by an applicable standard of the Tennessee Occupational Health Administration, except where the high-voltage overhead lines have been effectively guarded against danger from accidental contact, by either:

(1) The erection of mechanical barriers to prevent physical contact with high-voltage conductors;

(2) De-energizing the high-voltage conductors and grounding where necessary; or

(3) By insulating the lines.

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SECTION 4. Tennessee Code Annotated, Section 68-103-103(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b) Only in the case of an exception referenced in subdivision (a)(1), (a)(2) or (a)(3) may the clearance required by subsection (a) be reduced. The clearance required by subsection (a) shall not be provided by movement of the conductors through strains impressed, by attachments or otherwise, upon the structures supporting the high-voltage overhead line nor upon any equipment, fixtures or attachments on the structures.

SECTION 5. Tennessee Code Annotated, Section 68-103-104, is amended by deleting the section in its entirety.

SECTION 6. Tennessee Code Annotated, Section 68-103-105, is amended by deleting the language "six feet (6')\" and substituting instead the language "ten feet (10')\", or the distance required by an applicable standard of the Tennessee Occupational Health Administration,\".

SECTION 7. Tennessee Code Annotated, Section 68-103-105, is amended by deleting the language "high-voltage line\" wherever it may appear and substituting instead the language "high-voltage overhead line\".

SECTION 8. Tennessee Code Annotated, Section 68-103-107, is amended by deleting "Class B misdemeanor\" and substituting "violation of § 50-3-105(1)\".

SECTION 9. Tennessee Code Annotated, Section 68-103-108, is amended by deleting the language "at a distance of less than six feet (6') from any high-voltage conductor\" wherever it may appear and substituting instead the language "at a distance of less than ten feet (10')\", or the distance required by an applicable standard of the Tennessee Occupational Health Administration, from any high-voltage overhead conductor\".

SECTION 10. This act shall be effective upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1500**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 1520 -- Taxes -- As introduced, delays effective date of certain streamlined sales tax provisions until July 1, 2013; specifies that if the headquarters staff employee position does not remain filled during the investment period, the taxpayer must repay any franchise tax credit or

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refund taken relating to such position, plus interest. Amends TCA Title 67; and Chapter 530 of the Public Acts of 2009 and Chapter 602 of the Public Acts of 2007.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "67-6-349(b)" from Section 11 of the bill and by substituting instead the language "67-6-349(c)".

AND FURTHER AMEND by inserting the following as a new, appropriately numbered Section immediately prior to the last Section of the bill:

SECTION ____ Tennessee Code Annotated, Title 67, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated Section:

67-1-1 ____.

With respect to taxes imposed under Chapter 2 of this title, under Part 20 or Part 21 of Chapter 4 of this title, or under Part 1 of Chapter 8 of this title, whenever the due date for filing the tax return occurs on a legal holiday as defined under 26 U.S.C. § 7503, the Commissioner of Revenue is authorized, in the commissioner's discretion, to extend the due date of such return to the next succeeding day that is not a Saturday, Sunday or legal holiday.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1520**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2009 -- Finance and Administration, Dept. of -- As introduced, authorizes Commissioner of Finance and Administration to enter into agreements with certain citizen support organizations to donate monetary gifts, goods or services to be used by Volunteer Tennessee. Amends TCA Title 4, Chapter 3.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language "more than five million dollars (\$5 million) in" in § 4-3-__01 of Section 1 of the bill.

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AND FURTHER AMEND by deleting the amendatory language "To that end, it is the intent that state appropriations to Volunteer Tennessee not be reduced when revenues are generated by such an organization." in § 4-3-__01 of Section 1 of the bill.

AND FURTHER AMEND by deleting the following amendatory language in § 4-3-__07(a) in Section 1 of the bill:

; provided, that in the case of any audit performed by the comptroller of the treasury of any citizen support organization having gross receipts of less than twenty-five thousand (\$25,000) for the fiscal period under audit, the cost of such audit shall be paid by the state

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2009**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Joint Resolution No. 58 -- General Assembly, Statement of Intent or Position -- Urges Department of Health and Department of Mental Health and Developmental Disabilities to promote a model of integrated care and to develop a plan for increased usage by Tennessee's healthcare providers.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting from the first resolving clause of the introduced resolution the language "and Developmental Disabilities" and the language "and to develop and plan".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 58**, as amended, was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

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A motion to reconsider was tabled.

Senate Bill No. 827 -- Criminal Procedure -- As introduced, sunsets the current post-conviction defender commission; creates a new post-conviction defender oversight commission. Amends TCA Title 4, Chapter 29 and Title 40, Chapter 30.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 5 of the bill and substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 40-30-202, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is the intent of the general assembly to create the post-conviction defender oversight commission. It is also the intent of the general assembly to create the office of post-conviction defender to provide for the representation of any person convicted and sentenced to death in this state who is unable to secure counsel due to indigence, and that legal proceedings to challenge that conviction and sentence may be commenced in a timely manner and so as to assure the people of this state that the judgments of its courts may be regarded with the finality to which they are entitled in the interests of justice. It is the further intent that the operation of the post-conviction defender oversight commission and office of post-conviction defender shall be consistent with professional standards and shall not compromise independent professional judgment or create a professional or institutional conflict of interest, appearance of impropriety, breach of attorney-client confidence or secret or other violation of the Tennessee Rules of Professional Conduct or the Tennessee Code of Judicial Conduct.

(b) The post-conviction defender oversight commission shall be strictly administrative in nature and shall oversee budget, staffing and caseload concerns. In order to avoid possible conflicts, relating to cases assigned to the post-conviction defender's office, no member of the commission shall advise, consult or otherwise directly assist the post-conviction defender or the post-conviction defender's staff in providing legal representation in such cases.

AND FURTHER AMEND by deleting subsection 40-30-203(a) in Section 6 of the bill and substituting instead the following:

(a) On July 1, 2011, there is created a post-conviction defender oversight commission. The members of the commission appointed under this section shall have a commitment to the constitutional rights of all individuals. In making these appointments, the appointing authorities shall strive to ensure that the membership of the commission appropriately reflects the racial and geographic diversity of the state. Members of the commission are not required to be attorneys. The commission is composed of the following nine (9) members:

(1) Three (3) members appointed by the governor;

(2) Three (3) members appointed by the Speaker of the Senate; and

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(3) Three (3) members appointed by the Speaker of the House of Representatives.

AND FURTHER AMEND by deleting the language "post-conviction defender's commission" in Section 9 of the bill and substituting instead the language "post-conviction defender's oversight commission".

On motion, Amendment No. 1 was adopted.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subsection (a) of Section 5 as amended and substituting instead the following:

(a) On July 1, 2011, the post-conviction defender oversight commission is created. This act also creates the office of post-conviction defender to provide for the representation of any person convicted and sentenced to death in this state who is unable to secure counsel due to indigence, and that legal proceedings to challenge that conviction and sentence may be commenced in a timely manner and so as to assure the people of this state that the judgments of its courts may be regarded with the finality to which they are entitled in the interests of justice. The operation of the post-conviction defender oversight commission and office of post-conviction defender shall be consistent with professional standards and shall not compromise independent professional judgment or create a professional or institutional conflict of interest, appearance of impropriety, breach of attorney-client confidence or secret or other violation of the Tennessee Rules of Professional Conduct or the Tennessee Code of Judicial Conduct.

On motion, Amendment No. 2 was adopted.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting Section 12 of the printed bill in its entirety and substituting instead the following:

SECTION 12. The current post-conviction defender and any staff shall remain in place and continue to operate at least until the new commission has been appointed and has met. The appointing authorities shall make their appointments by September 1, 2011, at which time the current post-conviction defender will schedule a meeting for the newly appointed commission members.

On motion, Amendment No. 3 was adopted.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting Section 10 of the printed bill in its entirety and redesignating subsequent sections accordingly.

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On motion, Amendment No. 4 was adopted.

Senator Beavers moved that Amendment No. 5 be placed behind Amendment No. 6, which motion prevailed.

Senator Overbey moved to amend as follows:

AMENDMENT NO. 6

AMEND by deleting the language "Members of the commission are not required to be attorneys." in the bill as amended by Senate Amendment #1 and substituting instead the language:

Members of the commission are not required to be attorneys, but any member who is an attorney may not be a current district attorney general or assistant district attorney general, a current public defender or assistant public defender, or a sitting judge.

On motion, Amendment No. 6 was adopted.

On motion of Senator Beavers, Amendment No. 5 was withdrawn.

Thereupon, **Senate Bill No. 827**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	8
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Henry, Herron, Johnson, Kelsey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Marrero and Stewart--8.

Senator present and not voting was: Haynes--1.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 829** be placed on the Calendar for Monday, April 11, 2011, which motion prevailed.

Senate Bill No. 1293 -- Personal Property -- As introduced, revises various provisions of the "Tennessee Self-Service Storage Facility Act". Amends TCA Title 66, Chapter 31, as amended.

On motion, Senate Bill No. 1293, as amended, was made to conform with **House Bill No. 1265**.

On motion, House Bill No. 1265, on same subject, was substituted for Senate Bill No. 1293, as amended.

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Senator Southerland moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting from the amendatory language of Section 14, as amended, the first two sentences and substituting instead the following:

After expiration of the time stated in the notice and if the personal property has not otherwise been disposed, the owner shall advertise the sale of the personal property. Such advertisement of sale shall include, but not be limited to, the publishing one (1) time before the date of the sale of the personal property in a newspaper of general circulation which serves the area where the self-storage facility is located.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 1265**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 2

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--28.

Senators voting no were: Burks and Marrero--2.

A motion to reconsider was tabled.

Senate Bill No. 1912 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, declares the statutory remedies and sanctions that apply to specified acts by an insurer, person, or entity required to be licensed, permitted, or authorized by the division of insurance under Title 56. Amends TCA Title 56, Chapter 8, Part 1.

On motion, Senate Bill No. 1912 was made to conform with **House Bill No. 1189**.

On motion, House Bill No. 1189, on same subject, was substituted for Senate Bill No. 1912.

Madam Speaker Pro Tempore Woodson moved that **House Bill No. 1189** be placed on the Calendar for Monday, April 11, 2011, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 495 -- Highway Signs -- As introduced, designates segment of U.S. Highway 70 in Metropolitan Nashville as "THP Col. Elmer V. Craig Memorial Highway".

HOUSE AMENDMENT NO. 2

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. The Department of Transportation is directed to erect a suitable sign or marker designating the segment of U.S. Highway 70 described in Section 1 as the "THP Col. Elmer V. Craig Memorial Highway" at each of the following locations:

- (1) Eastbound on U.S. Highway 70 at its intersection with Stewarts Ferry Pike;
- (2) Westbound on U.S. Highway 70 at its intersection with Downeymeade Drive; and
- (3) Eastbound on U.S. Highway 70 at or near the Tennessee Law Enforcement Training Academy located at 3025 Lebanon Road, Nashville, Tennessee.

Senator Haynes moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 495**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1155 -- Public Funds and Financing -- As introduced, requires that amendments to any resolution that created a local government audit committee must be submitted to the comptroller for review and comment in same manner as the creating resolution under present law. Amends TCA Title 9, Chapter 3, Part 4.

HOUSE AMENDMENT NO. 1

AMEND by adding the following language at the end of the new language added in Section 1:

Notwithstanding the requirements of this subsection (b), if an audit committee was created by the legislative body of a county whose charter requires charter changes to be approved in a referendum, and if such actions occurred and were approved in a referendum prior to January 1, 2011, then such an audit committee shall be considered created pursuant to this part.

Senator Johnson moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1155**, which motion prevailed by the following vote:

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Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that the Proposed Schedule for the week of April 11, 2011, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 11, 2011**

MONDAY – April 11

5:00 p.m. Session – Senate Chamber

TUESDAY – April 12

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee (Tax Sub will meet immediately following)
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – April 13

8:30 a.m. – 10:00 a.m.	Environment, Conservation & Tourism Committee
10:00 a.m. – 11:30 a.m.	General Welfare, Health & Human Resources Committee
11:30 a.m. – 12:30 p.m.	Lunch
12:30 p.m. – 1:30 p.m.	Transportation Committee
1:30 p.m. – 3:00 p.m.	Government Operations Committee
3:00 p.m. – 5:00 p.m.	Education Committee

THURSDAY – April 14

9:00 a.m. Session – Senate Chamber

NOTE: Fiscal Review Committee, Monday, April 11, 2011, at 11:30 a.m., Room 16 LP.

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Lottery Sub-committee of the Senate Education Committee, Monday, April 11, 2011, at 3:30 p.m., Room 12 LP.

Pre-Commerce meeting, Tuesday, April 12, 2011, at 7:30 a.m., Room 12 LP.

MOTION

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 509 and 835**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bill No. 1028**.

On motion of Senators Overbey and Ford, their names were added as sponsors of **Senate Bill No. 1223**.

On motion of Senator Finney, his name was removed as sponsor of **Senate Bill No. 1912**.

On motion of Senator Watson, his name was added as sponsor of **Senate Joint Resolution No. 151**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolutions Nos. 152 and 155; and House Joint Resolution No. 178**.

On motion of Senator Beavers, her name was added as sponsor of **Senate Joint Resolution No. 154**.

On motion of Senators Henry and Harper, their names were added as sponsors of **Senate Joint Resolution No. 157**.

On motion of Senators Bell and Tracy, their names were added as sponsors of **House Joint Resolutions Nos. 173 and 174**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 175 and 176**.

On motion of Senators Berke and Stewart, their names were added as sponsors of **House Joint Resolution No. 180**.

ENGROSSED BILLS

April 4, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 509, 610, 799, 827, 835, 892, 1172, 1500, 1520, 1668 and 2009; and Senate Joint Resolutions Nos. 58, 149, 150, 151, 152, 153, 154, 155, 156, 157 and 175; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 10, 155, 220, 241, 246, 257, 259, 305, 389, 571, 623, 640, 643, 660, 671, 679, 688, 774, 775, 840, 884, 1066, 1177, 1190, 1194, 1270, 1633, 1869, 2006, 2118, 2126, 2130, 2131 and 2132; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 57, 58, 104, 189, 193, 195 and 196; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 83, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 742, 1154, 1227, 1537 and 1544; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 777, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 892, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1312, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1668, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 4, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 144, 146, 147 and 148; concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

April 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 83, 495, 742, 777, 892, 1154, 1155, 1227, 1312, 1537, 1544 and 1668; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

April 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 144, 146, 147 and 148; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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ENROLLED BILLS

April 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 11, 12, 13, 14 and 27; and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 5, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 173, 174, 175, 176, 178 and 180; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 5, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 144, 146, 147 and 148.

SIGNED

April 5, 2011

The Speaker announced that he had signed the following: Senate Resolution No. 27.

SIGNED

April 5, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 173, 174, 175, 176, 178 and 180.

MESSAGE FROM THE HOUSE

April 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 89, 339, 505, 636, 638, 991, 1336, 1509 and 1528; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1531, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 5, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 144, 146, 147 and 148; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 5, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 144, 146, 147 and 148; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 5, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 129, 130, 131, 132, 133, 134, 135, 136 and 138; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 7, 2011: Senate Joint Resolutions Nos. 158, 159, 160, 161, 162, 163, 164, 166 and 167; and House Joint Resolutions Nos. 184, 186 and 190.

This the 5th day of April, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 7, 2011: Senate Bills Nos. 265, 831, 832, 1209, 1341, 1347, 1541, 1764, 1789, 1825, 1826 and 1827.

This the 5th day of April, 2011.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 7, 2011: Senate Joint Resolution No. 127;

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Senate Bills Nos. 235, 370, 452, 510, 539, 567, 868 and 1306; Senate Joint Resolution No. 111; and Senate Bills Nos. 325, 935, 1223, 1451 and 1854.

This the 5th day of April, 2011.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, April 7, 2011, which motion prevailed.